

Remarks/Arguments

Claims 1 – 10 were pending in the application. Claims 1 and 10 are independent.

In the present response, claims 1, 2 and 4 – 10 are amended for non-statutory reasons: to present the claims in better form for consideration. The claims are not narrowed in scope and no new matter is added.

Rejection of claims 1 – 10 under 35 U.S.C. 103(a) over Arai (US 7,516,467) and in view of Florin (US 5,621,456)

Applicants submit that for at least the reasons discussed below claims 1 – 10 are patentable over Arai and Florin, either singly or in combination.

For example, claim 1, in part, requires:

"A method for constructing a list of favourite services in a receiver suitable for receiving audio and/or video digital services." (Emphasis added)

Applicants submit that Arai mainly concerns the construction of an individual electronic program guide (EPG) at the level of a single service or a common EPG at the level of all the available services (Arai, column 2, lines 22 – 40). Arai does not disclose any construction of a list of favourite services. Rather, Arai is related to the construction of a list of programs matching a selection criterion. Applicants submit that a list of programs matching a selection criterion is not equivalent to the claimed list of favourite services, because a service may carry many different programs, and the same program may be carried by many different services. Thus, there is no clear relationship between a list of favourite services and a list of programs matching a selection criterion, and therefore, a list of programs matching a selection criterion is not equivalent to a list of favourite services.

Apparently, the selection criteria in Arai are for program matching, but there is no mention of a criterion for the construction of a list of favourite services. Consequently, Arai fails to teach or suggest at least the claimed features of:

"recovering a second list of services comprising for each service the unique identifier and at least one value of selection criterion."

In the Office Action, page 3, the Office conceded that Arai does not teach the claimed features: "*determining a subset of the second list of services as a function of at least one selection criterion; creating said list of favourite services on the basis of the common services between the first list of available services and the subset of the second list of services.*"

Applicants further submit that Florin does not cure the deficiencies present in Arai. Florin, Figure 22 and column 18, line 61 through column 19, line 49, discloses a button for selecting a category of program entitled "favorites." However, that "favorites" category deals with a list of programs selected, not a list of services. Clearly, Florin teaches the list 320 comprises favorite programs for the current time slot including frequently viewed programs, marked programs, and programs to be recorded, as well as programs that match specified user preferences (column 19 lines 31 – 34). Thus Florin only discloses constructing a list of favorite programs.

In view of at least the foregoing reasons, Applicants submit that claim 1 is patentable over Arai and Florin, either singly or in combination.

Similarly, independent claim 10, in part, requires:

"means of storage of a first list of actually available services in which each service possesses a unique identifier,"

"means of storage of a second list of services comprising for each service at least one value of selection criterion," and

"means for creating a favourite list that are designed to receive at least one selection criterion and to establish a favourite list by determination of the services of the second list corresponding to the said at least one selection criterion and present also in the first list of services."

Although different from and should be interpreted independently of, claim 10 contains many similar distinguishing features as in claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to claim 10, pointing out why claim 10 is patentable over Arai and Florin.

Claims 2 – 9 depend from claim 1 and inherit all the features of claim 1. Thus, claims 2 – 9 are patentable for at least the reason that they depend from

claim 1, with each claim containing further distinguishing features not found in the cited combination of references.

Withdrawal of the rejection of claims 1 – 10 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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